

VZCZCXYZ0001  
RR RUEHWEB

DE RUEHLO #1344/01 1561118  
ZNY CCCCC ZZH  
R 051118Z JUN 09  
FM AMEMBASSY LONDON  
TO RUEHC/SECSTATE WASHDC 2542  
INFO RUEHPL/AMEMBASSY PORT LOUIS 0145  
RUVNSAO/NAVSUPPFAC DIEGO GARCIA  
RHHMUNA/HQ USPACOM HONOLULU HI  
RUEKJCS/JCS WASHDC  
RHEHNSC/NSC WASHDC  
RUENAAA/SECNAV WASHDC  
RUEKJCS/SECDEF WASHDC  
RHEBAAA/DEPT OF ENERGY WASHINGTON DC  
RUEHC/DEPT OF INTERIOR WASHDC

C O N F I D E N T I A L LONDON 001344

SIPDIS

DEPARTMENT OF STATE FOR PM, EUR/WE, AND OES/OPA

E.O. 12958: DECL: 06/03/2019  
TAGS: [MARR](#) [MOPS](#) [SENV](#) [UK](#) [IO](#) [MP](#) [EFIS](#) [EWWT](#) [PGOV](#) [PREL](#)  
SUBJECT: UPDATE ON STATUS OF HMG PROPOSAL FOR MARINE  
RESERVE IN BRITISH INDIAN OCEAN TERRITORY; USG INITIAL  
REACTIONS WELCOME

REF: LONDON 1156

Classified By: Political Minister Counselor Greg Berry for reasons 1.4  
(b/d).

11. (C/NF) Summary. HMG remains committed at the most senior levels to establishing a marine reserve in the British Indian Ocean Territory (BIOT), which includes the island of Diego Garcia, a Foreign and Commonwealth Office (FCO) officer told Poloff June 3. UK officials have made little progress on formulating the proposal since broaching the idea to the Political Counselor in May (ref), and it appears that UK policy makers and planners have not fully considered the various, and potentially complex, consequences of establishing a marine reserve. Embassy London would welcome DoD and State/OES suggestions about issues to raise with the HMG as it formulates a public proposal for a marine reserve in the BIOT. On the separate issue of the legal claim of Chagossians to a "right of resettlement" on the outer islands of the BIOT, HMG has until July 17 to file a submission with the European Court of Human Rights (ECHR) disputing the Chagossians' claim. End Summary.

FM "Keen" on Marine Reserve  
-----

12. (C/NF) Joanne Yeadon, Head of Section, British Indian Ocean Territory (BIOT) and Pitcairn, Overseas Territories Directorate, at the Foreign and Commonwealth Office (FCO) told Poloff June 3 that Foreign Secretary David Miliband remains "very keen on the idea" of a marine reserve (ref) for BIOT and "would like to be able to publicly announce something soon." She said Miliband had received a briefing from the FCO's Overseas Territories Directorate on the proposed marine reserve in May and had called the Directorate this week to reaffirm his support. Yeadon stated that HMG "would like to be able to make some sort of public announcement" soon regarding the establishment of the marine reserve. She predicted that a likely time frame for establishing a reserve would be the release this fall of a "public consultation document" asking for comments from the public on the proposed reserve. She said that HMG had not approached the Government of Mauritius yet to discuss the proposal, although HMG considers Mauritian assent an essential prerequisite to creating a reserve (ref).

13. (C/NF) When pressed by Poloff about when a public announcement might be forthcoming, Yeadon replied "I don't

know what the next step will be." She agreed with Poloff's suggestion that the U.S. and UK consult closely regarding the proposal. She underscored, as the FCO had done during a meeting with the Political Counselor in May (ref), that HMG intends that any marine reserve have no negative impact on U.S. or UK military operations or navigational rights.

#### Latest on Chagossian Litigation

-----

¶4. (C/NF) Asked by Poloff for an update on the pending case by Chagossians before the European Court of Human Rights (ECHR), in which the Chagossians claim a "right of return" to the BIOT (ref), Yeadon replied that HMG had recently received an extension to file its submission with the Court, which is now due July 17. She noted that the UK would continue to argue before the Court that the European Convention on Human Rights does not apply to BIOT; she asserted that all five Law Lords who had considered the case in Britain had agreed upon this point, even those who had ultimately favored the Chagossians' position under British law. HMG will respond to the substance of the Chagossians' allegations by asserting to the ECHR that the Chagossians have already received sufficient compensation and, further, that "they do have a right of abode -- in the United Kingdom." Yeadon confirmed that the HMG would honor the ECHR's final ruling if the ECHR decided in favor of the Chagossians' "right of resettlement," but she also said HMG would appeal the claim further in the ECHR system if the Chagossians prevailed in the first instance.

Comment: Reserve Remains a UK Priority; U.S. Advice Welcome

-----

¶5. (C/NF) Notwithstanding Yeadon's candid admission that HMG has made little, if any, substantive progress on plans to establish a marine reserve in BIOT since first broaching the idea with the Political Counselor last month, FM Miliband's "keenness" about the proposal demonstrates top level HMG commitment to creating a reserve. The establishment of a marine reserve in the BIOT would present an easy "good news story" for Prime Minister Brown's beleaguered government as the creation of a marine reserve in the BIOT would almost certainly enjoy the support of most Britons. Embassy London will continue to stress to HMG officials that the reserve must not, in any way, interfere with U.S. use of BIOT, including but not limited to Diego Garcia. A position that the UK Defense Ministry of Defense representative attending last month's FCO briefing on the issue also made stressed to his Foreign Office colleagues (ref). We have stressed to the FCO that the "public diplomacy" aspects of a marine reserve must be carefully evaluated since, as noted ref, we are concerned that, long-term, both the British public and policy makers could come to see the existence of a marine reserve as inherently inconsistent with the military use of Diego Garcia.

¶6. (C/NF) The HMG is clearly enthusiastic about the proposed marine reserve and Embassy London fully expects the proposal to move forward on the UK side, although, in Embassy London's view, it appears UK policy makers and planners are at the beginning of their analysis of the various practical and legal consequences of establishing a marine reserve, e.g. in regard to U.S. military navigational rights. We recommend that DoD and State/OES consider what advice they can share with HMG on management of similar marine reserves around the world. Embassy London also would welcome suggestions about any issues now that we should raise with the HMG. as it formulates a public proposal for a marine reserve in the BIOT.

Visit London's Classified Website:  
[http://www.intelink.sgov.gov/wiki/Portal:Unit ed\\_Kingdom](http://www.intelink.sgov.gov/wiki/Portal:Unit_ed_Kingdom)

LeBaron